

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEXIS MARQUEZ, :
 :
 : ORDER
Plaintiff, : 18 Civ. 7315 (ALC) (GWG)
 :
-v.- :
 :
GEORGE SILVER et al., :
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 :
Defendants. :
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GABRIEL W. GORENSTEIN, United States Magistrate Judge

With regard to the pending motion for sanctions (Docket # 385), which was made in response to the Court's previous order (Docket # 373), the parties are directed to file a supplemental letter or memorandum of law as to whether plaintiff's conduct — as identified by the defendants in their brief (Docket # 386 at pp. 2-18) — merits sanctions under Fed. R. Civ. P. 16(f).

In light of the fact that "[i]t is well settled that in this court, the standards to be applied in imposing sanctions under Rule 16 are identical to the familiar standards contained in Rule 37," Fonar Corp. v. Magnetic Plus, Inc., 175 F.R.D. 53, 55 (S.D.N.Y. 1997) (collecting cases); accord Martinez v. New York City Health & Hosps. Corp., 2017 WL 6729296, at *3 (S.D.N.Y. Dec. 28, 2017) ("In considering sanctions under Rule 16(f), courts have considered the factors applied in cases arising under Rule 37(b)"), and that the parties have already fully briefed the sanctions issue with regard to Rule 37(b), the Court does not expect that the new submission would re-argue the application of any legal standards and thus that it will be brief. That being said, the Court is not limiting anything the parties wish to add on the question of whether plaintiff's conduct merits sanctions under Rule 16(f).

Each party's submission shall be filed by August 10, 2022. Any reply shall be filed by August 17, 2022. The defendants shall transmit a copy of this order to plaintiff by email.

SO ORDERED.

Dated: August 3, 2022
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge